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#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jay M. Short et al.                      Art Unit : 1761  
Serial No. : 09/777,566                              Examiner : Unknown  
Filed : February 5, 2001  
Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

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FEB 24 2003  
TC 1700

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed for filing in the above-referenced patent application is a Form PTO-1449, being submitted prior to the first Office Action on the merits. Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- Form PTO-1449, newly filed
- Postcard
- copy of cited reference

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FEB 26 2003

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

2/12/03

Jeanne Armour Rice

Jeanne Armour Rice

### **REMARKS**

The reference cited on attached form PTO-1449 is being called to the attention of the Examiner. A copy of the reference is enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the reference be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

The enclosed document listed on the herewith Form PTO-1449 was cited in "Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC" issued in a foreign counterpart application not more than three months ago. To the best knowledge of the undersigned, this is the first citation of this item in any communication from a foreign patent office in a counterpart foreign application.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

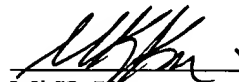
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Attorney's Docket No.: 09010-029008 / DIVER 1370-6

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: 2/12/2003



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